United Nations S/AC.56/2015/8

Security Council

Distr.: General
8 July 2015

Original: English

Security Council Committee established pursuant to resolution 2140 (2014)

Note verbale dated 22 May 2015 from the United States Mission to the United Nations addressed to the Chair of the Committee

The United States Mission has the honour to enclose herewith the United States implementation report on Security Council resolutions 2140 (2014) and 2216 (2015) (see annex).

15-11584 (E) 150715

Please recycle

Annex to the note verbale dated 22 May 2015 from the United States Mission to the United Nations addressed to the Chair of the Committee

Report of the United States of America on its implementation of Security Council resolutions 2140 (2014) and 2216 (2015)

Travel ban

1. Under the applicable provisions of United States law, including section 212 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182), the United States has the necessary authority to prevent the entry into or transit through the United States' territories of individuals designated by the Committee established pursuant to paragraph 19 of resolution 2140 (2014) on Yemen, provided that those individuals are not nationals of the United States. To the extent consistent with United States law, the United States may permit entry into or transit through its territory of such individuals where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, where entry or transit is necessary for the fulfilment of a judicial process, or where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and security in Yemen and stability in the region.

Asset freeze

2. Under the applicable provisions of United States law, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.) and section 301 of title 3 of the United States Code, the United States has the authority to take the necessary measures to implement an asset freeze imposed by Security Council resolution 2140 (2014). Signed on 16 May 2012, United States Executive Order (E.O.) 13611 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to sanction, inter alia, those who have engaged in acts that threaten the peace, security or stability of Yemen. The United States Department of the Treasury's Office of Foreign Assets Control (OFAC) takes action in accordance with E.O. 13611 to freeze designated individuals' or groups' assets subject to United States jurisdiction. On 7 November 2014, the Committee established pursuant to paragraph 19 of resolution 2140 (2014) designated former President Ali Abdullah Saleh and Houthi leaders Abdullah Yahya al-Hakim and Abd al-Khaliq al-Houthi for an asset freeze. OFAC designated both Saleh and the Houthi leaders on 10 November 2014 under E.O. 13611. On 14 April 2015, the Committee established pursuant to paragraph 19 of resolution 2140 (2014) designated Ahmed Ali Saleh and Houthi leader Abd al-Malik al-Houthi for an asset freeze. OFAC designated both Saleh and al-Houthi on the same day.

Arms embargo

3. The transfer or export of United States defence articles and defence services is controlled by the Arms Export Control Act (AECA). The AECA is the governing statutory authority for Government-to-Government agreements (the Foreign Military Sales (FMS) system) and the licensing of direct commercial sales (DCS). The International Traffic in Arms Regulations (ITAR) implement the AECA and

regulate the DCS licensing system. The AECA and ITAR serve as the basis for United States compliance with the targeted arms embargo in Yemen imposed by resolution 2216 (2015).

4. The United States munitions export control system is designed to deny access to United States-origin defence equipment and technology to adversaries and parties whose interests are inimical to those of the United States. The export control process is closely regulated and excludes the participation of parties that are embargoed by the United Nations or are otherwise ineligible.

5. The United States requires all United States persons who manufacture or export defence articles or furnish defence services, as well as United States and foreign persons engaged in arms brokering, to register with the United States Department of State. Once registered, any export of defence articles, furnishing of defence services or the brokering thereof must be authorized through a licence or other authorization by the Department of State. Direct commercial sales are subject to end-use monitoring under the AECA as implemented by the Department of State's "Blue Lantern" Programme. Arms export control violations, including provision of defence articles and technology to ineligible persons, are subject to strict penalties, both criminal (including a prison sentence of 20 years and/or a $1 million fine for each violation) and civil (debarment from participation in United States defence trade and monetary penalties up to $500,000 for each violation).

6. The United States intends to consider further implementing measures as may be appropriate, consistent with resolution 2216 (2015).